

## REMARKS

The Examiner's Office Action of May 22, 2003 has been received and its contents reviewed. Applicants would like to thank the Examiner for the consideration given to the above-identified application, and for indicating the allowance of claims 16-20, 26-33 and 35-42.

By the above actions, claims 3-10, 16-33, 36-42 have been amended. Claims 1, 2, 11-15, and 34 have been canceled, specifically claims 11-14 have been canceled in the Response to Election Requirement and Amendment filed February 28, 2001. Accordingly, claims 3-10, 16-33, and 35-42 are pending for consideration, of which claims 3, 4, 16, 18, and 35 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

Referring now to the detailed Office Action, the allowability of claims 3, 5-7, 24 and 25 has been withdrawn in view of the newly discovered reference to Yamazaki et al. (U.S. Patent No. 6,278,131). Specifically, claims 3, 4, 6-9 and 21-25 stand rejected under 35 U.S.C. §103(a) as unpatentable over Matsumoto (U.S. Patent No. 5,323,042 – hereafter Matsumoto), in view of Ikeda (JP 7-326767 - hereafter Ikeda), and Otani (JP 10-56184 – hereafter Otani). Further, claims 4-6, 8, 10 and 23 are rejected under 35 U.S.C. §103(a) as unpatentable over Yeo (U.S. Patent 6,140,162 – hereafter Yeo) in view of Ikeda and Otani. These rejections are traversed for the reasons advanced below.

With respect to the rejection of claims 3, 4, 6-9 and 21-25 under §103(a) over Matsumoto in view of Ikeda and Otani, Applicants have amended independent claim 3 and 4 to add a feature wherein some of the impurity regions overlapped by the gate electrode contain different concentration impurity regions. The feature is shown by Fig. 1, for example, since numerals 111b and 113 denote regions containing different impurity concentrations. Matsumoto, Ikeda, and Otani fail to disclose, teach, or suggest this feature.

With respect to the rejection of claims 4-6, 8, 10 and 23 over Yeo in view of Ikeda and Otani, the above-discussed amendment of independent claims 3 and 4 also overcomes the obviousness rejection over Yeo in view of Ikeda and Otani, as none of these cited references teach, disclose, or suggest, at least, the feature wherein some of the impurity regions overlapped by the gate electrode contain different concentration impurity regions.

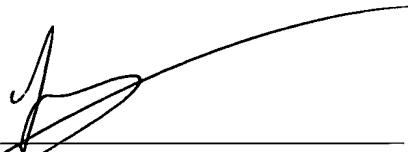
The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. As none of the cited prior art references teach, disclose, or suggest the feature wherein some of the impurity regions overlapped by the gate electrode contain different concentration impurity regions, their combination in the §103(a) rejections is improper.

Claims 5-10, 16-33, 36-42 have been amended to further clarify the claim language and to correct grammatical errors.

In view of the amendments and arguments set forth above, Applicants respectfully request reconsideration and withdrawal of all the pending rejections.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,



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